

**REDACTED – FOR PUBLIC INSPECTION**

Pamela Y. Holmes  
Director, Consumer & Regulatory Affairs  
Ultratec, Inc.  
450 Science Drive  
Madison, WI 53711  
Tel: (608) 238 - 5400

March 12, 2013

**VIA HAND DELIVERY AND ECFS**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: *Misuse of Internet Protocol (IP) Captioned Telephone Service,  
Telecommunications Relay Services and Speech-to-Speech Services for  
Individuals with Hearing and Speech Disabilities*  
CG Docket Nos. 13-24, 03-123  
Request for Confidential Treatment Pursuant to 47 C.F.R. §§ 0.457 and 0.459

Dear Ms. Dortch:

Pursuant to Sections 0.457 and 0.459 of the Commission's rules, 47 C.F.R. §§ 0.457 and 0.459, Ultratec, Inc. ("Ultratec") hereby requests that the redacted portion of the attached Reply Comments be treated as confidential and be withheld from public inspection. Ultratec is filing a confidential, unredacted version of the pleading by hand delivery and a redacted version of the pleading by ECFS on the same date.

The redacted portion of the Reply Comments is limited to exhibits containing sensitive business information. The redacted data constitutes sensitive commercial information that falls within Exemption 4 of the Freedom of Information Act ("FOIA"). Exemption 4 of FOIA provides that the public disclosure requirement of the statute "does not apply to matters that are ... (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential." 5 U.S.C. § 552(b)(4). Because Ultratec is providing commercial information "of a kind that would not customarily be released to the public" in its Reply Comments, this information is "confidential" under Exemption 4 of FOIA. *See Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992).

In support of this request and pursuant to Section 0.459(b) of the Commission's rules, Ultratec states the following:

**1. Identification of the Specific Information for Which Confidential Treatment Is Sought (Section 0.459(b)(1))**

Ultratec seeks confidential treatment of detailed information regarding customer usage data, which has been redacted from the publically available version of Ultratec's comments.

**2. Description of the Circumstances Giving Rise to the Submission (Section 0.459(b)(2))**

Ultratec is submitting this information in its Reply Comments to the Commission's Notice of Proposed Rulemaking ("Notice") in the above-captioned proceedings.<sup>1</sup> By submission of this information, Ultratec intends to comply with the Commission's request to submit specific data in response to the Notice.<sup>2</sup>

**3. Explanation of the Degree to Which the Information Is Commercial or Financial, or Contains a Trade Secret or Is Privileged (Section 0.459(b)(3))**

The information described above is protected from disclosure because it constitutes highly sensitive information about Ultratec's customer usage data. This constitutes sensitive commercial information "which would customarily be guarded from competitors." 47 C.F.R. § 0.457.

**4. Explanation of the Degree to Which the Information Concerns a Service that Is Subject to Competition (Section 0.459(b)(4))**

The IP Captioned Telephone Service ("IP CTS") market is highly competitive throughout the United States.

**5. Explanation of How Disclosure of the Information Could Result in Substantial Competitive Harm (Section 0.459(b)(5))**

Disclosure of this information would provide Ultratec's competitors with sensitive insights related to its customer data, which would work to Ultratec's severe competitive disadvantage.

**6. Identification of Any Measures Taken to Prevent Unauthorized Disclosure (Section 0.459(b)(6))**

Ultratec does not make this information publicly available.

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<sup>1</sup> *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order and Notice of Proposed Rulemaking, CG Docket Nos. 13-24, 03-123, FCC 13-13 (rel. Jan. 25, 2013).

<sup>2</sup> *Id.* ¶¶ 38, 54.

**REDACTED – FOR PUBLIC INSPECTION**

Please direct any questions regarding the foregoing to the undersigned.

Sincerely,

/s/ Pamela Y. Holmes

Pamela Y. Holmes  
Director, Consumer & Regulatory Affairs  
Ultratec, Inc.

Enclosure

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

In the Matter of	)	
	)	
Misuse of Internet Protocol (IP) Captioned	)	CG Docket No. 13-24
Telephone Service	)	
	)	
Telecommunications Relay Services and	)	CG Docket No. 03-123
Speech-to-Speech Services for	)	
Individuals with Hearing and Speech	)	
Disabilities	)	

**REPLY COMMENTS OF ULTRATEC, INC.**

Pamela Y. Holmes  
Director, Consumer & Regulatory Affairs  
Ultratec, Inc.  
450 Science Drive  
Madison, WI 53711  
Tel: (608) 238 - 5400  
E-mail: [pam.holmes@ultratec.com](mailto:pam.holmes@ultratec.com)

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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

In the Matter of	)	
	)	
Misuse of Internet Protocol (IP) Captioned	)	CG Docket No. 13-24
Telephone Service	)	
	)	
Telecommunications Relay Services and	)	CG Docket No. 03-123
Speech-to-Speech Services for	)	
Individuals with Hearing and Speech	)	
Disabilities	)	

REPLY COMMENTS OF ULTRATEC, INC.

Ultratec, Inc. (“Ultratec”) submits these Reply Comments in response to the Order (“Interim Order”) and Notice of Proposed Rulemaking (“NPRM”) in the above-referenced proceeding.<sup>1</sup> Ultratec was the original innovator of captioned telephone services (“CTS”) provided over the public switched telephone network (“PSTN”), and Ultratec has maintained its role as industry leader with respect to Internet Protocol-based CTS (“IP CTS”) as both a customer premises equipment (“CPE”) manufacturer and technology provider.

In the NPRM, the Federal Communications Commission (“Commission”) seeks comment regarding how to regulate IP CTS in a manner that optimally balances the dual goals of preserving the integrity of the interstate Telecommunications Relay Service (“TRS”) Fund (“TRS Fund”) and avoiding unnecessary disruption to deaf and hard of hearing IP CTS users. As part of this consideration, the Commission sought comment on “the cost of a requirement for

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<sup>1</sup> *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order and Notice of Proposed Rulemaking, CC Docket Nos. 13-24, 03-123, FCC 13-13 (rel. Jan. 25, 2013) (“*Order and NPRM*”).

a default setting of captions off against the benefits of such requirements” with respect to IP CTS CPE.<sup>2</sup> According to the Commission, this proposed requirement is intended to “prevent casual or inadvertent use of IP CTS by ... individuals who do not need IP CTS to communicate by phone.”<sup>3</sup> In the Interim Order accompanying the NPRM, the Commission required that IP CTS CPE be switched to a “default off” captions setting on an interim basis beginning March 7, 2012.<sup>4</sup>

Based on Ultratec’s extensive experience with IP CTS generally and its experience over time following implementation of the Interim Order’s mandate, Ultratec believes that the disruption caused to IP CTS users from converting their IP CTS equipment to a “default off” setting is substantial—significantly greater than was foreseeable. Further, Ultratec believes that the public harms resulting from the Interim Order outweigh any potential benefits to the TRS Fund assumed by the Commission. For these reasons, Ultratec strongly urges the Commission to refrain from mandating a “default off” setting for IP CTS equipment both now and in the future.

## **I. BACKGROUND**

Ultratec has supplied CapTel-branded PSTN-based CTS technologies and CPE to state TRS programs for over ten years. The company also has been supplying the original IP CTS service technologies (*i.e.*, IP CapTel) and CPE for the past four years. As the oldest and most experienced supplier of PSTN-based and IP-based CTS technologies and CPE, Ultratec is in a unique position to provide the Commission with insight regarding consumers’ historical usage needs and preferences with respect to CTS services and the CPE which support them.

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<sup>2</sup> *Id.* at ¶ 51.

<sup>3</sup> *Id.* at ¶ 27.

<sup>4</sup> *Id.* at ¶ 33.

Consistent with the concept of Universal Design,<sup>5</sup> the company's intent is to design IP CTS products to help provide our nation's deaf and hard of hearing citizens with functionally equivalent telecommunications access – *i.e.*, access that is as close as possible to the experience to which hearing consumers are accustomed. Thus, products designed to support accessibility should allow their users to set the products' defaults in a manner that best matches their needs. Accordingly, Ultratec's goal with respect to IP CTS is to make the process a simple matter of picking up the handset, dialing a number, and holding a conversation.

Similarly, to fulfill its statutory mandate, the Commission should ensure that IP CTS meets the communication access needs of deaf and hard of hearing consumers without undue burden. Therefore, prior to adopting any encumbrance on IP CTS users that impedes their reliance on IP CTS to communicate effectively and efficiently, the Commission should thoroughly consider the needs and preferences of deaf and hard of hearing IP CTS users and balance these with the Commission's duty to protect the TRS Fund. In the absence of empirical evidence that a "default off" setting for IP CTS equipment is necessary to protect the TRS Fund,

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<sup>5</sup> According to the University of Wisconsin Trace Center for Universal Design, the goal of Universal Design is to develop products that:

- "Allow a greater variety of people to successfully access and use the product directly (or with any assistive device);
- Allow the product to be used in a greater variety of environments or situations;
- Are flexible enough to address the needs of both novices and power users; and
- Are easier for users in general to understand and use."

Gregg C. Vanderheiden, *Universal Design... What It Is and What It Isn't*, [http://trace.wisc.edu/docs/whats\\_ud/whats\\_ud.htm](http://trace.wisc.edu/docs/whats_ud/whats_ud.htm). Thus, user selection of necessary accessibility features is a Universal Design practice that calls for a product to be seamlessly accessible to all who need to make use of it. Further, Universal Design demands that the use of accessibility features should not be cumbersome or frustrating for the user, nor should the use of accessibility features require multiple actions to make the feature accessible each and every time it is used if it is technologically feasible to modify a default setting.

the Commission should refrain from imposing regulatory mandates that meaningfully disrupt the use of IP CTS by the deaf and hard of hearing consumers who the service was meant to benefit.

This approach is consistent with Congress’ mandate that “functionally equivalent” telecommunications should be available to disabled Americans so that they can obtain equal access to the telecommunications network.<sup>6</sup> Specifically, Title IV of the Americans with Disabilities Act defined TRS as the

telephone transmission services that provide the ability for an individual who has a hearing impairment or speech impairment to engage in communication by wire or radio with a hearing individual *in a manner that is functionally equivalent to the ability of an individual who does not have a hearing impairment or speech impairment to communicate using voice communication services by wire or radio.*<sup>7</sup>

Title IV also tasks the Commission with “ensur[ing] that regulations prescribed to implement this section encourage, consistent with section 157(a) of this title, the use of existing technology and *do not discourage or impair* the development of improved technology.”<sup>8</sup>

Similarly, Section 255 directs manufacturers of telecommunications equipment to “ensure that the equipment is designed, developed, and fabricated to be accessible to and usable by individuals with disabilities, if readily achievable.”<sup>9</sup> These mandates make Congress’ intent quite clear: The Commission and manufacturers should ensure that they enable – and not inhibit – consumers with disabilities to access telecommunications that are functionally equivalent to those enjoyed by consumers without disabilities. The Commission should not undermine

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<sup>6</sup> 47 U.S.C. § 225(a)(3), (b)(1).

<sup>7</sup> *Id.* § 225(a)(3) (emphasis added).

<sup>8</sup> *Id.* § 225(d)(2) (emphasis added).

<sup>9</sup> *Id.* § 255(b).



Congress’ goal of accessible communications by compromising or disrupting the ease of use and provision of access to telecommunications by deaf or hard of hearing users.

## **II. A “DEFAULT OFF” CAPTION SETTING FOR IP CTS CPE HAS PROVEN TO BE HIGHLY DISRUPTIVE TO IP CTS USERS**

Extensive feedback from IP CTS users supported by Ultratec clearly demonstrates that the Commission’s action in its Interim Order has significantly inhibited the ability of IP CTS providers to offer functionally equivalent telecommunications service. Since implementing the Commission’s “default off” CPE setting in early March, Ultratec has received hundreds of complaints, and the number is increasing hourly. Further, Ultratec believes that these complaints reflect the frustration of only the most vocal IP CTS users and that far more users are challenged by this change to the basic function of their IP CTS CPE. Accordingly, rather than being a “small burden” as envisioned by the Commission in the Interim Order,<sup>10</sup> implementation of the “default off” setting appears to be a major disruption to many users. Ultratec has attached to its Reply Comments an Appendix containing a small sample of the complaints that it has received from its users over the past three weeks.<sup>11</sup>

Prior to implementing the required functional change to the CPE, users received a notice message on their equipment indicating that their captions setting would be changed to “default off.” Ultratec promptly began receiving feedback from users after these notices were pushed to their CPE, and the response was overwhelmingly negative. For example, one user questioned:

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<sup>10</sup> See *Order and NPRM* ¶ 33 (suggesting that the “burden on the consumer to simply press a ‘captions on’ button or similar method appears to be minimal”).

<sup>11</sup> See, generally, Appendix A, Sampling of User Complaints Following Implementation of the Interim Order.

What is the purpose of this? If we didn't need it, we wouldn't have this phone. I got this through my state and I proved to them that I was hard of hearing. So I don't understand why this FCC is saying only those who need it – I need it!<sup>12</sup>

The pace at which complaints were received only escalated once the “default off” captioning setting was pushed to users’ CPE.<sup>13</sup> Many users expressed simple frustration and dissatisfaction with the additional step suddenly required to place and receive calls with captions. Others questioned whether the Interim Order’s mandate should apply to deaf or hard of hearing individuals who live in exclusively non-hearing households: “I live alone and that is why this is so strange to me because nobody else uses this phone.” More concerning, many of the user complaints suggested that the Interim Order’s “default off” mandate effectively deprived users of their ability to secure functionally equivalent telecommunications services through IP CTS, thereby undermining its very purpose:

- “My husband is profoundly deaf, but also has mild dementia and the extra step was too confusing for him. The captions were extremely helpful for communication by telephone, but the extra step was upsetting to him and he stopped using the phone.”
- “My 99 year old mother who is profoundly hard of hearing is not going to be able to push that button every time.... She is going to be unable to use [her phone].”

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<sup>12</sup> The Hearing Loss Association of America (“HLAA”) also has been contacted by consumers who have stated that they want the option for captions to remain “default on” and that the captions should start automatically at the beginning of each call. *See* HLAA Comments at 14.

<sup>13</sup> Unlike certain IP CTS providers that sought broad waivers of the Interim Order’s “default off” mandate near or on its effective date (and in at least one case appear to have unilaterally determined not to timely comply with the requirement), Ultratec timely developed and pushed software modifications to user of Ultratec IP CTS CPE that cause the “default off” setting to be triggered by their next use of their CPE. To the extent that the Commission ultimately grants relief to any IP CTS provider that requested a waiver (rather than determining that the provider failed to timely comply with the Interim Order on its effective date and therefore that such providers’ IP CTS minutes since March 7 are non-compensable), the Commission should grant equivalent relief to all IP CTS providers. Providers that undertook herculean efforts to timely comply with the Commission’s tight deadline under the Interim Order, despite the disruption that such compliance caused to the providers’ users, should not be adversely impacted by their compliance efforts.

- “Who thinks this makes sense? My dad has 1) hearing loss and 2) Alzheimer’s. He has no idea what is going on with his phone.”
- “How in the world am I supposed to remember to press that button every single time? I am 88 years old and my memory is not that great. I am worried I will miss so many calls because I don’t remember to push that button.... This will be one more thing I need to think about and I just feel this will cause some more stress and I don’t need that.”
- “I wish the FCC did not do this. I can’t see all that well and will try to count the buttons to find the Captions button. Please get them to change their minds; they don’t understand how much they’ve hurt us....”
- “I am very dissatisfied! People will hang up on me because I will not remember to press that button for each damn call!”
- “My 92 year-old father uses this phone, and, along with his severe hearing loss, he has a difficult time remembering to do new things. I am afraid he will think his new 840i phone is broken or not working properly if the captions do not come on automatically when he forgets to push the button each time he uses it.”

IP CTS was designed to provide accessibility and usability for the wide variety of individuals who are deaf or hard of hearing and who therefore require captions to communicate by telephone. This includes young technology savvy individuals who may find the new “default off” requirement to be tedious or annoying but who will be able to adjust to this needless extra step when placing and receiving calls. However, it also includes tens of thousands of older and less technologically adept individuals for whom this extra step has proven to be very challenging. (In fact, in Ultratec’s experience, the “average” IP CTS user, to the extent that there is such a thing, may be an elderly person with hearing loss who is living alone.) Further, many users, including many senior citizens, have varying levels of cognitive disabilities. As illustrated by the user complaints set forth above, the “default off” requirement effectively may be preventing many of these individuals to utilize IP CTS and thereby depriving them of functionally equivalent telecommunications.

### III. THERE IS NO EVIDENCE THAT A “DEFAULT ON” CAPTION SETTING SIGNIFICANTLY CONTRIBUTED TO IP CTS FRAUD OR MISUSE

As described above, the “default off” captioning requirement mandated by the Interim Order has posed a significant challenge to many IP CTS users, particularly those who are elderly, have very limited technical capabilities, and/or suffer from cognitive impairment. As a result, the Interim Order’s “default off” mandate has directly and detrimentally impacted the ability of IP CTS to provide functionally equivalent telecommunications access to at least a subsection of the public. To warrant undermining the functional equivalence of IP CTS in this manner, the Commission should possess clear and convincing evidence that the “default off” requirement creates a public interest benefit with respect to the TRS Fund that outweighs the public interest harm caused by the Interim Order.<sup>14</sup> Absent such evidence, the Commission promptly should repeal the Interim Order and should not adopt a permanent “default off” requirement. No such evidence currently exists. To the contrary, there is at least some evidence that a “default off” requirement does not impact PSTN captioned telephone usage patterns when CPE is initially distributed with the default on or with the default off.

Ultratec’s review of historical data reveals no evidence of fraud or misuse of IP CTS. The data on average PSTN-based CTS minutes of use per month/per phone has been steady over the past ten years taking into account seasonal variations. Further, the average IP CTS minutes

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<sup>14</sup> The Interim Order contains only conjecture regarding whether the “default off” requirement is necessary or effective in protecting the TRS Fund against fraud or misuse. *See Order and NPRM* ¶ 51 (surmising that “individuals who do not need CTS to communicate in a functionally equivalent manner and who are either living in the household or visiting the house or office of an eligible IP CTS user are likely to use the IP CTS equipment and service, resulting in improper billing of the TRS Fund”). An IP CTS user is far more likely to use IP CTS CPE than others in a household who have more convenient and technologically advanced telecommunications options. In addition, IP CTS users often are the sole members of their households. *See also* Purple Comments at 7 (asserting that many phones are placed in the workplace or home office environments where the phone is “extremely unlikely” to be used by anyone other than the eligible IP CTS user).

of use per month/per phone also has been steady over recent years.<sup>15</sup> Moreover, Ultratec has conducted trials that support this conclusion. Beginning in 2001, Ultratec conducted trials of the CapTel service in a number of states. The approximately 200 users in each trial were selected by the states' relay administrators and had hearing loss to varying degrees. The trials provided valuable information regarding the average usage patterns of legitimate users. The average use per phone today is virtually the same as it was in the trials. Absent such evidence, the Commission promptly should repeal the Interim Order and should not adopt a permanent "default off" requirement. No such evidence currently exists. To the contrary, there is at least some evidence that a "default off" requirement does not impact PSTN captioned telephone usage patterns in those states whose CPE distribution programs distribute CPE with captions initially set to "default off."

Any significant fraud or misuse of CTS<sup>16</sup> likely would cause a spike or a significant escalation in the average usage patterns per user over time, but historical data shows no such indication of any such unexplained spike in per user usage patterns.<sup>17</sup> Therefore, the increase in overall IP CTS minutes appears to be caused by an increase in the number of unique IP CTS

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<sup>15</sup> See Appendix B, Average Monthly Use Per Use for Both IP Captel and PSTN Captel.

<sup>16</sup> Moreover, IP CTS does not lend itself to the same kinds of fraud or abuse to which other forms of IP-based relay may be susceptible. Unlike IP relay, where an ineligible user may be able to "hide behind" the operator's voice to disguise the ineligible user's identity, IP CTS carries over the voice of both the person who is deaf or hard of hearing and the person who is not deaf or hard of hearing. Thus, while the deaf or hard of hearing person is able to receive captions of what the person who is not deaf or hard of hearing is saying, the person who is not deaf or hard of hearing cannot "hide behind" the voice of the operator in order to disguise his or her identity. Instead, the operator is only supplying captions to the deaf or hard of hearing party.

<sup>17</sup> Further, a comparison between CTS use in the six states distribute PSTN-based caption telephones to consumers with a "default off" caption setting with PSTN-based CTS use in others states that distribute CTS phones with a "default on" captions setting is instructive. The average usage per phone for the six "default off" states is virtually the same as for the "default on" states. See Appendix C, Captel Usage for States That Distribute CTS CPE with Captions Set to "Default On" Versus "Default Off."

users, rather than being indicative of fraud or misuse by individual users, and the Interim Order’s “default off” requirement will not impact the number of unique users of IP CTS.

In light of the foregoing, prior to adopting a permanent “default off” captioning mandate, the Commission should conduct a formal evaluation of the real-world impact of such a mandate to determine whether, in fact, it will reduce fraud or misuse. Many consumer groups and relay providers agree with this approach. They have urged the Commission to both demonstrate that “default on” captioning encourages fraud, waste, and abuse and to study the impact that a “default off” requirement will have on users before adopting the interim requirement as a permanent rule.<sup>18</sup> As Hamilton notes, “[t]he consumers’ loss of this efficiency and functionality may outweigh whatever benefits are derived from the restriction.”<sup>19</sup> For example, the Commission could engage a third party, such as the Rehabilitation Engineering Research Center on Telecommunications Access (“RERC”), to conduct a study regarding this matter.

#### **IV. IF THE COMMISSION ULTIMATELY DETERMINES TO ADOPT A “DEFAULT OFF” REQUIREMENT, IT SHOULD OFFER FLEXIBILITY IN THE NEW RULE**

If the Commission ultimately determines to adopt a permanent “default off” requirement, it should offer IP CTS providers the following flexibility with respect to the implementation of the requirement.

User Override. Users should be allowed to adjust the default setting of their CPE to “default on” if the users desire to do so to avoid the inconvenience of having to switch the caption setting every time that they use their CPE. This approach was taken by each of the six states that distribute their state funded PSTN-based CTS CPE to users with a “default off”

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<sup>18</sup> See Telecommunications for the Deaf and Hard of Hearing, Inc. et al. Comments at 12-13 (“TDI Comments”); Hamilton Comments at 6-7; HLAA Comments at 14-15; and CaptionCall Comments at 28-30.

<sup>19</sup> Hamilton Comments at 6-7.

caption setting. In the alternative, if deemed necessary by the Commission, the Commission could limit this option to users whose circumstances are determined to warrant overriding their CPE’s “default off” captions setting. This could include users who are the only member of their household, users whose household has only deaf or hard of hearing members who would use the CPE, users who require captioning on every call, and users with cognitive impairments, memory loss, manual dexterity, or other disabilities in addition to their hearing loss, and other situations where the use of the CPE by hearing persons would be highly unlikely. Further, the Commission could require users desiring to switch to a “default on” setting to self-certify that they are subject to a circumstance that warrants the override.

*Answering Machine or Auto Answer Features.* IP CTS CPE that includes an internal answering machine or “auto answer” feature<sup>20</sup> should be permitted to be maintained in a “default on” caption setting if the answering machine or auto answer feature is enabled by the user. Prior to the effectiveness of the Interim Order’s “default off” mandate, Ultratec’s IP CTS phones would automatically caption an incoming answering machine message with both audio and captions and store the information on the phone. Under the temporary captioning default regime adopted by the Interim Order, however, the user has to press the captions button and “re-caption” the incoming voice message each time the customer wishes to play or replay a recorded message. As a result, the “default off” caption setting may actually lead to an increase in overall IP CTS minutes paid by the TRS Fund as users repeatedly replay recorded messages, which is an inefficient result that is contrary to the Commission’s objectives.

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<sup>20</sup> The Commission’s rules require TRS providers to provide access to answering machines that is functionally equivalent to the access afforded to hearing telecommunications users. *See* 47 C.F.R. § 64.604(a)(3)(viii).

Emergency Calls. Ultratec agrees with Sprint that the Commission should mandate that all emergency 911 calls to Public Safety Answering Points automatically should have a “default on” caption setting.<sup>21</sup> IP CTS users should not have to go through the extra step of manually enabling captions for an emergency call. They may forget to do so under the stress and panic of the emergency thereby rendering them unable to communicate with first responders. Further, this exception to any “default off” rule adopted by the Commission is especially critical for the adequate provision of public safety services to users with hearing loss and cognitive impairments, such as elderly users with hearing loss and dementia.

#### **V. THE COMMISSION SHOULD NOT ALTER ITS SPEED OF ANSWER REQUIREMENT APPLICABLE TO IP CTS**

In the NPRM, the Commission noted that, “[t]he Consumer Groups support a rule requiring providers to configure IP CTS devices so that consumers turn on the captioning capability through the push of a button or other simple positive action, rather than defaulting to captions on, so long as the Commission also sets standards for connection time after the consumer activates the captions.”<sup>22</sup> Further, the Commission sought comment on whether the current speed of answer rules (*i.e.*, 85% of all IP CTS calls must be answered within 10 seconds, measured daily) are appropriate for IP CTS or whether such rules should be amended.<sup>23</sup> The Commission asks commenters to weigh the cost of any amended speed of answer rules against the benefits of such amended rules.<sup>24</sup> Ultratec believes that the current service level requirement of 85% of all calls answered in 10 seconds, which is the most stringent requirement for any form of TRS, has proven to be both an appropriate answer performance standard for consumers and

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<sup>21</sup> Sprint Comments at 9 n.11.

<sup>22</sup> *Order and NPRM* ¶ 52.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*



cost effective for IP CTS providers. To require a higher service level would result in increased costs to both the providers and to the TRS Fund while providing no noticeable reduction in answer time for the users of IP CTS. Therefore, Ultratec believes that no change to the current speed of answer requirements applicable to IP CTS is warranted if the Commission acts on other suggestions noted herein.

**VI. THE COMMISSION SHOULD NOT IMPOSE NEW LABELING OR NOTIFICATION REQUIREMENTS ON IP CTS PROVIDERS**

Ultratec does not believe that the new notification and labeling requirements proposed in the NPRM are warranted. A requirement to permanently affix a label to IP CTS CPE or to display an on-screen message will impose additional costs on providers and may confuse users. Further, it is of limited value in light of the already diverse consumer education program promoted by IP CTS providers. Prior to adopting any labeling requirements, the Commission should confirm that such requirements would be more effective in preventing inadvertent use of IP CTS than the consumer education efforts currently undertaken by providers today.

As an initial matter, Ultratec joins other commenters that are “skeptical that a label used alone will discourage use by people who are not entitled to use the phone.”<sup>25</sup> Users already receive ample education about the source of the funding for the Commission’s IP CTS program and its intended beneficiaries. Rather than take the form of a simple label, users currently receive this information repeatedly from multiple sources, including provider’s websites, the users’ self-certification statements, their service contracts if any, brochures about IP CTS, CPE owner’s manuals, and advertisements for IP CTS equipment and service. To the extent that the Commission finds this plethora of currently available sources of information about IP CTS to be insufficient, Ultratec agrees with HLAA that an overall comprehensive consumer education

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<sup>25</sup> HLAA Comments at 15; *see also* TDI Comments at 13; CaptionCall Comments at 30-31.

campaign may be more effective than merely affixing labels.<sup>26</sup> Specifically, continued consumer education efforts, such as in provider-supplied literature, user manuals, start-up labels to be removed before use,<sup>27</sup> and ongoing education efforts also assist in minimizing inadvertent use and are more effective than merely requiring permanent labels that may not be affixed by consumers for existing phones, may be defaced or removed, are costly to providers, and may aggravate consumers.

Ultratec agrees with other providers that, to the extent that the Commission requires IP CTS providers to provide a label to each IP CTS user to be affixed to his or her CPE, the Commission should provide IP CTS providers with the flexibility either to print such labels for new and existing users to affix to their CPE or to display a notice on-screen.<sup>28</sup> This would allow providers to select the method for each CPE that is most effective, technically feasible, and economically reasonable. For example, many IP CTS phones are not physically designed to accommodate a permanent label that could be printed in a large enough font to be easily readable by consumers but still convey all necessary information, such as that proposed by the Commission.<sup>29</sup> Additionally, Ultratec concurs with Purple that providers should not be responsible for whether labels remain affixed to CPE or to prevent users from removing labels.<sup>30</sup> On the other hand, messages displayed on a device's display screen can annoy users and result in

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<sup>26</sup> HLAA Comments at 15-16.

<sup>27</sup> For example, Ultratec currently affixes a film with a label on the Captel phone display screen that must be removed before starting use of the phone.

<sup>28</sup> *See, e.g.*, Purple Comments at 9; CaptionCall Comments at 31.

<sup>29</sup> The proposed rules would require the following message: "FCC regulations permit the use of captions only by people with hearing loss who require captions to communicate effectively using the telephone." *See* NPRM at Appendix E.

<sup>30</sup> Purple Comments at 9.

an overwhelmingly negative consumer response.<sup>31</sup> In addition, an on-screen notice requirement could “caus[e] confusion in the user in distinguishing between the FCC information and the actual captioned conversation.”<sup>32</sup> Therefore, to the extent the Commission believes that additional user outreach through labels or notifications is needed, the Commission should allow IP CTS providers flexibility to determine how best to present the information to their users.<sup>33</sup>

In any event, the Commission should not mandate the language required for any label or message. IP CTS phones vary in screen size and many provide the option to allow the user to change the size of the display font to accommodate users who may also have vision impairments. Requiring specific language may inhibit a provider’s ability to make this message understood by consumers while still minimizing the accessibility burden in the normal call process.<sup>34</sup>

## VII. CONCLUSION

For the reasons set forth herein, Ultratec respectfully requests the Commission not to adopt on a permanent basis the “default off” caption setting requirement mandated on an interim basis by the Interim Order. Further, the Commission should reverse its decision in the Interim

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<sup>31</sup> Ultratec has experienced a negative consumer response from user notifications first hand. From February 22, 2013 to March 7, 2013, Ultratec inserted at the start of every captioned call an alert message to educate consumers on the interim “default off” requirement, which, as noted above, generated numerous calls from confused consumers.

<sup>32</sup> Purple Comments at 9; *see also id.* (“[T]he notification also represents a meaningful disparity in experience between a relay user and a non-relay user. It would be burdensome to require non-relay users to listen to some kind of pre-recorded narrative prior to dial tone every time they pick up the phone. It would be equally burdensome, if not more so, to require such captioned notification to appear on the screen prior to the initiation of any IP CTS call.”).

<sup>33</sup> To the extent the Commission requires an on-screen message, Ultratec requests that providers be allowed flexibility on when to display the message, either (1) before the call, (2) at the start of the call, (3) only when captions are set to “OFF”, or (4) only when captions “ON” is first enabled. This would allow providers with the flexibility necessary to effectively notify the customer of the warning while also allowing the provider to determine how best to minimize the burden on customers over time.

<sup>34</sup> Ultratec notes in particular that the Commission’s proposed language in Appendix A of the NPRM is unnecessary and may inappropriately intimidate users.

Order and allow users to set the caption default on their CPE to “on”. Ultratec’s experience since the effective date of the Interim Order has shown that the “default off” setting causes significant consternation and confusion to users—in particular, users who are elderly, less tech savvy, and/or have cognitive or dexterity impairments. Further, there is no evidence that the “default off” requirement would have any impact on any fraud or misuse of IP CTS.

Accordingly, the public interest harms caused by the “default off” setting that already have been demonstrated during the interim period, including a reduction in functional equivalency of telecommunications access by deaf and hard of hearing IP CTS users, are not offset by any

proven public interest benefits. The Commission also should refrain from imposing additional notification or labeling requirements.

Respectfully submitted,

/s/ Pamela Y. Holmes

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Pamela Y. Holmes  
Director, Consumer & Regulatory Affairs  
Ultratec, Inc.  
450 Science Drive  
Madison, WI 53711  
Tel: (608) 238 - 5400  
E-mail: pam.holmes@ultratec.com

March 12, 2013

**DECLARATION OF PAMELA Y. HOLMES**

I hereby declare under penalty of perjury that the foregoing declaration is true and correct to the best of my knowledge and belief. Dated this 12<sup>th</sup> day of March, 2013.

/s/ Pamela Y. Holmes

Pamela Y. Holmes

Director, Consumer & Regulatory Affairs

Ultratec, Inc.

450 Science Drive

Madison, WI 53711

Tel: (608) 238 - 5400

E-mail: [pam.holmes@ultratec.com](mailto:pam.holmes@ultratec.com)

## APPENDIX A

### SAMPLING OF USER COMPLAINTS FOLLOWING IMPLEMENTATION OF THE INTERIM ORDER

Set forth below are verbatim statements of users of CapTel 800i & 840i IP CTS phones that were documented by CapTel customer service representatives between February 22, 2013 (*i.e.*, the date on which the users began receiving notice that their CPE would be switched to “default off” captioning status) and March 12, 2013. The far right column in the table below provides additional information about the commenter as set forth in the following table.

- A = User lives alone, sole household user, always needs captions to be activated due to severe to profound hearing loss  
D = User has hearing loss plus dementia, cognitive disability, memory problem, vision or manual dexterity disabilities  
M = User felt that the educational FCC alert notice that they received disrupted their attention from dialing or proper use of their CPE and/or disliked and found the message to be intrusive  
F = User was frustrated, angry, confused, and/or thought phone was broken.

F	"I want to know why I have to press the button with the red ring every single time I make a call. I can hardly hear my daughter...I am 95 years old and I want this taken care of today." 2/22/13 CA
F	"I don't like the new FCC thing. I want it back the way it was. I can't talk to nobody like this. I can't use the phone like this. I want my phone like it was." 2/27/13 KY
A	"I live alone and that is why this is so strange to me because nobody else uses this phone." 2/27/13 UT
F, D	"How in the world am I supposed to remember to press that button every single time? I am 88 years old and my memory is not that great. I am worried I will miss so many calls because I don't remember to push that button...The prompt message will help but it will not replace the convenience and security of having Captions always on. This will be one more thing I need to think about and I just feel this will cause some more stress and I don't need that." 2/27/13 FL
A, F	"I am the only one using my 800i phone and although I understand the FCC ruling, I don't think single users should be subjected to this annoying rule." 2/27/13 CA
F	"... I'll be in terrible shape. I don't know what's going on. I'm really having a hard time understanding. I sure need the captions. Are they thinking of getting rid of the caption phone?" 2/27/13 VA
F	"That is horrible. This is absolutely terrible. I am not happy with this at all." 2/27/13 OH
A, D	"It's just a pain because at my mom's age I have to retrain her. If it was me I would be

	sending a bunch of emails to the FCC." 2/27/13 NY
A	"What is the purpose of this? If we didn't need it we wouldn't have this phone. I got this through my state and I proved to them that I was hard of hearing. So I don't understand why this FCC is saying only to those that need it -- I need it!" 2/28/13 NJ
F	"For all the dumb things the Federal government spends our money on and they are worried about this. I wish they would stop spending our money on the stupid things they spend them on." 2/28/13 MI
A, F	"This is superfluous! She is 96 years old and wouldn't read it [the prompt]! She can't read lips, she can't sign, and the CapTel is all she's got. This is a major inconvenience! The FCC should allow the option, with proper application, that CapTel can set certain phones for certain people. This is another one of the government clusters - I won't say the other word that goes along with it! I would hope that you pass this along and get some common sense to the FCC." 2/28/13 OH
A	"I understand why the new rule would be in place but I feel that it's inappropriate for me to have to do this since I am truly deaf." 2/28/13 CT
F	"This new rule is very poor service! I am very dissatisfied! People will hang up on me because I will not remember to press that button for each damn call! I feel like throwing this email back to you. You can't do this to me! I am so mad!" 2/28/13 TX
F	"You've got a very irritated customer here." 2/28/13 OH
F, D	Customer's son stated, "I am extremely unhappy. That's a stupid rule especially for old people and now they have to do something they may forget to do. I want to talk to the FCC." 2/28/13 NY
F	Customer's son responded, "Okay but she requires these captions so I don't know how she will handle this new confusion." 2/28/13 OH
F, D	"I don't understand. This is a CapTel phone and it is suppose to display captions... If you don't think to press the button, I would think that would slow it down. It's alright for young people, but I'm old and don't always remember. I hope I remember." 2/28/13 NH
F	"This is getting ridiculous." 2/28/13 NY
F	"But my captions are always on, why would I need to turn them on before making a call? I don't understand." 2/28/13 CA
F, A	The customer stated that she was not happy with this change, and that since the caption phones were for people who were hard of hearing, the regulation did not make sense. 2/28/13 NY



A, D, F	"But nobody else uses this phone, just me. I count on this phone as it's all I have to communicate. I don't think I can use the phone now, it's just too complicated for me." 2/28/13 PA
F, M	"I already turn my captions on before each call. I don't want to see your blubber on my screen. Thanks for nothing." 2/28/13 AZ
A	"That doesn't make sense to me because I need these captions." 2/28/13 DC
F	"This FCC is really fouling up the service. It's not fair for the hard of hearing folks to deal with this." 2/28/13 MA
F	"This is stupid, who would abuse the captioning service. But thank you for letting us know about it." 2/28/13 MI
F, D	Daughter responded by saying "Oh man" and after sighing stated she will help teach her father to press the captions button on for all calls. 2/28/13 IL
F	"Why does the FCC care whether your captions are always on or off? This is very strange." 3/1/13 CO
F	"Oh Jeez, that's a crock." After CSR advised him again, that this is an FCC order that cannot be removed, customer loudly hung up. 3/1/13 NE
F, M	"This is so annoying. The FCC message is annoying." 3/1/13 NJ
F, A	Customer was frustrated by the change and reported, "The old way worked fine for years. This is something new." 3/1/13 FL
M	"I want the messages off of my phone. I understand about this change." 3/1/13 IL
A, F	Customer was a little surprised by the change and stated, "That seems a little convoluted. I will have to change my current paradigm." 3/1/13 CA
F, D	Customer's daughter stated, "Who thinks this makes sense? My dad has 1) hearing loss and 2) Alzheimer's. He has no idea what is going on with his phone." 3/1/13 OK
F, D	"Lordy, Lordy, Lordy! Change is hard when you are old like me... Lord, Lord, Lord." 3/1/13 KY
A, F	"That's just stupid, my captions are supposed to be on all the time!" 3/2/13 NY
M	Customer reported, "The message has completely unnerved me." 3/2/13 AZ

F, A	"Boy, that's weird. It doesn't make sense to me why anyone would ever turn captions off." 3/2/13 IN
F	"This FCC rule is like taking a step backwards." 3/2/13 NY
M, D, F	Customer's daughter stated her mother is seeing the FCC alert message and requested to have the captions default setting stay on due to the customer's dementia. CSR apologized and explained this was not an option at this time. CSR advised daughter to contact the FCC to voice her request. 3/4/13 CT
F	"This is a lousy ruling. You tell the FCC I said so." 3/4/13 NJ
A, D, F	"Captions have always been on for me; how will I use the phone now? I can't remember to do what they are asking me to do." 3/4/13 NY
F	"I know about the FCC rule and I am not happy about it. I know that it is not you [CapTel] but the FCC that is doing this." 3/4/13 CA
F	"This is ridiculous. They are just making things more difficult for people who are already having a difficult time." 3/4/13 FL
A, F	"This is really burdening. I'm a single person living alone. The FCC should see if there's a huge difference between this ruling and prior use because I suspect strongly that most people who have a captioned phone need captions and very few other people in the household like when other people are visiting, like at Christmas, no one wants to use that phone. They can't stand it. Normally hearing people will not use the captioned telephone. They don't want to use the CapTel. I think something you people should do is send out a questionnaire or survey to see how many households where there are people who are hearing that would use the phone. As a deaf entrepreneur, I want my clients to contact me as a person doing services and not a deaf person. I think it's crazy. Every time I use the phone it's another barrier, and to me that's not equal access. I can't believe they can put this in place without asking the public. It has a very negative connotation for the CapTel users because it implies they are the source of fraudulent use by having a CapTel phone. By having a phone I can use it. That is outrageous. It is more than pressing a button. It has pressed my buttons." 3/6/13 VA
D	"OK, I will see how this goes. I don't know if I can remember to do that every time." 3/6/13 FL
F	"Invaluable service. Without it I would be out of business and bankrupt." 3/6/13 OH
M, A	"I do not understand why this is on my screen when I am the only person using this phone because my daughter can hear just fine." 3/6/13 CO
F, A	"I am really disappointed in the FCC for not making captions automatic. I'm actually on the verge of being furious. Why in the world would I have a CapTel phone if I didn't

	need captioning? Does anyone at home besides me use this phone? No. All this ruling does is make it harder to use the captions. Now if someone calls me, it will add even more lengthy seconds to me being able to respond to them. Way to go FCC for making this harder than it already is to use the phone!" 3/6/13 TN
D, F	"My 92 year old Father uses this phone and along with his severe hearing loss he has a difficult time remembering to do new things. i am afraid he will think his new 840i phone is broken or not working properly if the captions do not come on automatically when he forgets to push the button each time he uses it. It would be nice to have a button that would lock on for those who really need it and may not be able to remember to push it for each use." 3/6/13 WA
A	"CapTel is wonderful! I could not talk on the phone at all without it, it has virtually saved my life! With CapTel, I can feel like I am back like a normal person. Without the captions, I could not communicate at all by phone. I would appreciate the captions being automatically applied, since I live alone, and I am the only one using this phone." 3/6/13 TX
A, F	"I have a profound hearing loss and use a CapTel phone. I do not like the idea that I have to push the caption button each time a call is made or received. Please change it back." 3/6/13 AR
D, F	" My experience however with not having the captions automatically so far has been dismal. The response to pushing the button indicating the need for captions is either very very slow or most of time no response at all thereby losing the call. I am willing to pay whatever is necessary to have the captions automatically. So far today I have not had captions in any of my calls and I lost completely the opportunity to communicate. I do not see how I can continue like this without the help of the captions coming on immediately and automatically. Please the FCC has to find a different to way to save money. SOS HELP!!" 3/6/13 NY
F	"Leave it up to Uncle Sam to mess that up." 3/7/13 NJ
F, A	"It is stupid, I live alone and there is absolutely no reason why I should have to do that." 3/7/13 MI
F	"Get rid of all this and put it back the way it was. This is not a good thing for the hearing impaired. This is making our lives more difficult. This might be the most ridiculous thing I have ever heard when the government wastes so much money this seems like pennies, but again I understand you obviously have no control." MI 3/7/13
F	"I am disappointed to hear that passed through." 3/7/13 CA
F	You guys are making this complicated." 3/7/13 ID
F	"That is a stupid rule. But it is easy enough just to push the captions button." 3/7/13

	CA
F	"This is an inconvenience to a hearing impaired person. This is discriminating against deaf people when you have to push a button when it was automatic before. They (the FCC) need to back off because they are way off base here. No one's abusing anything, we need our captions! Just wait until those at that damn FCC place get old like me and need captions and then see how they feel when something like this is thrown at them." 3/7/13 FL
F	Customer's brother said, "Which is kind of ridiculous! What's the point of the captions then!"... Customer's brother later said, "You got to be kidding me! I just can't believe there is that much abuse that the government has to step in and make this rule." 3/7/13 WI
F	"This FCC ruling should not be as deaf and hard of hearing will miss the first few words of a conversation. This could be from a doctor or pharmacy and it is crucial that we hear every word. There is a delay if the caption light is not on all the time. Please do not make us do this. Check all the waste and fraud elsewhere." 3/7/13 NJ
F	CSR explained captions default on was not going to be available at the present moment on the customer's 840i unit. Customer's son angrily reported, "It shouldn't matter whether the captions are on all the time." 3/7/13 CA
F	"I really don't like what the FCC is doing, but we'll see." 3/7/13 DC
F	"Only the governmental officials would decide to do something so stupid. Glad to see the governmental officials are working hard to wreck something that is so helpful to people who need it. 3/7/13 MI
F	Customer stated about the FCC ruling that it is "such a nuisance and very inconvenient." 3/7/13 OR
A	Customer stated, "But I am the only one here." 3/8/13 WVA
F	"Thank you for explaining this for me... Boy the FCC likes to make our lives more challenging don't they?" 3/8/13 FL
F	"Thank you for explaining this to me. I was so worried something had gone wrong with my phone." 3/8/13 MA
F, A	"I don't understand the reasons behind it [the FCC prompt] and don't like them, but I have to live with them. I don't like it." 3/8/13 NY
F, A	"I wish the FCC did not do this. <i>I can't see all that well</i> and will try to count the buttons to find the Captions button. Please get them to change their minds; they don't understand how much they've hurt us with this and all to save a few pennies!" 3/8/13 NY

F, A, D	Customer's son stated, "My mother is 95 years old and she might have trouble remembering to [turn captions on] on every call." 3/8/13 OK
F	"It's a really dumb idea to make us push the button every time." 3/8/13 OR
F	"I hope we don't have to do this for much longer, it's very annoying." 3/8/ 13 OR
F, A	"They're making everything so difficult! I wish the FCC would give us our captions back. We're not going to abuse the service because we (deaf) need it. Tell them to not take away our sense of normalcy." 3/8/13 IL
F, A	Customer's daughter was unhappy and stated, "That is very inconvenient for a 95 year old lady, but I will tell her she has to do this from now on." 3/8/13 CA
D	Customer's daughter reported, "That won't help people with memory issues." 3/8/13 TX
F	"I find this very annoying. I think it (the captions button) should be on all the time. I really don't like this, and I don't see why they are making people who are hard of hearing take this extra step on every call." 3/9/13 TN
F, D	Customer's daughter understood but was upset. "That is a shame. That is going to be hard with someone with dementia." 3/9 MA
F	"It's ridiculous! What a stupid rule! If I don't want captions, I can turn it off myself. They don't need to shut if off for me. I just think it's stupid but it is what it is. I just think it's crazy!" 3/9/13 MA
F	CSR explained that the FCC Rule is in effect for the next 6 months but that the FCC is considering making this change permanent. Son was not happy and said he would contact the FCC. 3/9/13 CO
F	Customer's daughter explained the captions were defaulted to off. CSR explained why then the customer's daughter was upset and stated, "That is terrible, that isn't a very good order." 3/9/13 MI
D, F	Consumer's wife wrote, "I understand the recent FCC ruling that requires users of the CapTel 840i to select the captions button before captions are viewable is a temporary requirement. Can you tell me how long before we return to the original instructions, which did not require the extra step of selecting the captions button? My husband is profoundly deaf, but also has mild dementia and the extra step was too confusing for him. <i>The captions were extremely helpful for communication by telephone, but the extra step was upsetting to him and he stopped using the phone.</i> " 3/9/13 FL
A, F	"I need captions on every, repeat EVERY, phone call. So not having them automatic is a great imposition and I resent it." 3/9/13 AZ

D, A, F	Customer's son stated, "There are users for whom turning on the captions button would be impossible. My 99 year old mother who is profoundly hard of hearing is not going to be able to push that button every time. The money I had to pay for the phone is wasted. She is going to be unable to use it." 3/9/13 NY
F, A, D	"I understand what this is about, and I want to say, I don't like this. It takes longer to see the words onscreen. From my experience with hard of hearing people, the phone is strictly for their own use, or they live in a household with other hard of hearing people. I lost my hearing when I was 20, and I think the FCC must not have considered the impact of this, or consulted with the hard of hearing people who use captions. I also have to deal with severe arthritis and Parkinson's, and pushing a button is not easy for me. I think that people who make some of these rules have no idea of the undue hardship they have created." 3/9/13 AZ
F	"I think this is a stupid rule." 3/9/13 CA
D	Customer's son stated, "She has dementia and doesn't remember to press buttons so we'll see how this goes." 3/10 NY
D, A, F	"Customer's helper stated, "He has severe dementia. He lives alone and cannot press the buttons. This is extremely problematic." 3/10/13 IA
F, A, D	"The FCC needs to rethink their decision and stop this insanity immediately! My mother uses a Captel phone because she can hardly hear on most phones (even with a cochlear implant). Why would someone who didn't need captioning have these phones? Those that do have them are partially or totally deaf. A very high percentage of them are elderly. A high percentage of elderly also have Alzheimer's or another form of dementia. Do you think they will remember to hit the captioning button? No way! Do you think they will remember to read the note next to the phone that says "push the captioning button." No way! Do you think that every time they take or make a call and the captioning doesn't come on automatically they will cut the call short and say "sorry I can't hear you and the words aren't appearing on my screen...I'll have to get my son/daughter to call someone to fix it." You bet they will." 3/10/13 NY
F, D	Customer's son-in-law stated, "This seems very cumbersome for people who already have enough trouble." Customer's son-in-law stated that he wished to file a complaint with the FCC about these changes. 3/10/13 KS
F, A	"I am dismayed at the ruling by the FCC regarding the Captions button turning off automatically when a call is finished. This is ridiculous. If I did not need the captions, I certainly would not have paid so much for this wonderful phone. Please reverse the decision to turn off the captions and allow me the freedom of enjoying my communications without interference." 3/10/13 VA
A	"Don't you just love these bureaucratic situations," and, "Well I am completely deaf and

	there is no one else in my house who uses this phone. My Husband uses a completely different phone connected to a different line, or a cell phone." Customer then stated, "You know I remember to use the captions button when I make a call, I was just curious as to why the captions button was turning off." 3/10 CA
F, A, D	Customer wrote in a lengthy email, "I am severely hearing-impaired, currently wearing one hearing-aid. However, the hearing aid does not give me enough power to understand people if I can't read their lips. I live alone and am very ill. My question: I hardly ever have visitors, am bedfast and the CapTel phone sits right beside my bed. Why is the federal government so discriminatory against U.S. citizens who have lost the use of one of their most important senses, the ability to hear? The hearing-aid I have was purchased through Medicaid - only 1 every 10 years, and it doesn't work right half the time. My battery must be changed every 2 days. I honestly purchased the CapTel phone so that I would be able to communicate on the telephone easily and more efficiently. Now, having something promised to work for me, the FCC is taking it away. With the proposed changes, my CapTel doesn't even work half the time now. I'm 63 yrs. old and it was a major sacrifice for me to purchase CapTel out of my SSDI check. I was a working member of society until I became ill, yet FCC and the Federal Government promises all politicians an income for the rest of their lives, including a constantly captioned phone. Yes, I'm angry, not only for myself, but for all U.S. citizens who live under the same conditions as I. Yet, I'm limited to the number of hearing aids I may have, even though my doctor says I have bi-lateral hearing loss and my next step is cochlear implants (at whose expense, because I can't afford, and Medicare will not furnish hearing-aids, dentures, or any other human sensory loss devices, while Trillion\$\$ are being sent to any place in the world who suffers some sort of catastrophe. I have been a law-abiding citizen all of my life, yet I was taught that charity begins at home. I've learned that is only true for the upper crust and middle-income citizens, while the poorer classes & elderly are left to fend for themselves. I believe that anyone who purchased a CapTel phone before this FCC change has been lied to and should receive a refund of their money and allowed to keep the part-time working phone system for the hearing-impaired! I am also losing my vision and could not find the serial number of the CapTel phone." 3/10/13 OH
F, A	Customer's son in law reported that there was no longer an option to set captions light "ON" in the menu of the CapTel 840i. CSR explained why but the son-in-law was not impressed and stated that this was a "typical government move" and that he would be contacting his senator. 3/10/13 CA
F	"So they would rather worry about spending federal dollars on bombing other countries than worry about the needy in our states." 3/10/13 AR
F	"It's kind of dumb. Wouldn't it just be easier to leave things the way they were?" 3/11/13 NY
F	"This is stupid and I don't like it. Why would you people do this to people?" 3/11/13 CA

F, D	Customer reported that the captions button was not staying on after hang up. Customer stated, Kind of hard to remember to turn on captions.” 3/11/13 CT
F, A	“I can’t hear at all so get rid of it.” 3/11/13 CA
F	"It's kind of dumb. Wouldn't it just be easier to leave things the way they were?" 3/11/13 NY
F	Customer’s son asked if the captions default off setting could be set to “On”. CSR explained the new FCC rule. Son stated, "I see the government is being it's useful self!" 3/11/13 VA
F	Customer's daughter stated, "You have made the phone useless to him." 3/11/13 VT
F, A	“You mean I can’t leave it on all the time? That is stupid! Why did they mess with it? There was nothing wrong with it before. Now people are hanging up on me because they don’t think I’m on the line and I’m not getting my messages. The FCC screwed everything up.” 3/11/13 CA
F	“Why do I have to keep pressing the captions back on? It worked fine before the update.” 3/11/13 MO
F, A, D	Customer’s daughter inquired why it is necessary to push the captions button at the beginning of each call on the 840i. CSR explained. Customer’s daughter stated, “You have made the phone useless to him.” 3/11/13 VT
F	Customer reported that every time he hangs up the caption button shuts off on the CapTel 840i. CSR explained the new FCC rule. Customer said, "Oh god! To me it's stupid! It's an absolutely stupid rule! I have people hanging up on me now and I can't listen to my messages! I think the FCC screwed the whole system up and I would be complaining to the FCC!" 3/11/13 CA
F, D, A	Customer’s son inquired about turning the captions button on by default after seeing the FCC alert message. CSR explained the new FCC rule. Customer's son replied, "Well the phone is essentially useless to her because she needs the captions."



**REDACTED – FOR PUBLIC INSPECTION**

**APPENDIX B**

**AVERAGE MONTHLY USE PER USER FOR BOTH IP CTS AND PSTN CTS**

**REDACTED**

**APPENDIX C**

**CAPTEL USAGE FOR STATES THAT DISTRIBUTE CTS CPE WITH CAPTIONS SET TO  
“DEFAULT ON” VERSUS “DEFAULT OFF”**

**REDACTED**